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EXAMINER

NGUYEN, CHAU T

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 03/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/918,722

Applicant(s)

LUI ET AL.

Examiner

Chau Nguyen

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. Applicant's submission filed on 01/11/2006 has been entered. Claims 1-28 are presented for examination.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 6-8, 12, 16, 19 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimomura and further in view of Chun et al. (Chun), US Patent No. 6,115,501.

4. As to claims 1, 12 and 23, Shimomura discloses a method for editing an electronic document containing drawings, comprising the steps of:

dividing said document into a plurality of regions, each region having a reference axis, and wherein positions of said drawings are identified with respect to said axes (Abstract, col. 1, line 51 – col. 2, line 45: the document image is divided into a plurality of image regions in accordance with a diving line X-axis or Y-axis direction);

receiving a request to modify a line size in a text portion of said document (Shimomura discloses reduction means for reducing or scaling down each of the plurality of image regions divided by dividing means (col. 2, lines 12-31), thus, receiving a request to modify is an inherent feature of computer processing. Also Shimomura discloses that the document image is divided into a plurality of image regions, each containing a specific type of images such as text, drawing and picture (col. 2, lines 5-10); and

rescaling said drawings in accordance with said modification in line size of the text portion (col. 2, lines 5-31 and col. 5, line 45 – col. 6, line 23: reducing or scaling down each of the plurality of image regions divided, and each containing a specific type of images such as text; col. 8, lines 33-45: reducing each of the plurality of divided image regions until the size the image region (image or text) reaches the size of a circumscribed rectangular frame).

However, Shimomura does not explicitly disclose rescaling said drawings in accordance with said axes. In the same field of endeavor, Chun discloses determining a position at which an amount of image information is reduced, whereby the position is an intersecting position of X-axis and Y-axis (Abstract and col. 24, lines 41-45). Since Chun disclose a method for dividing an image into a plurality of unit regions and reducing each of the unit regions, which is similar to dividing document image into image regions of Shimomura, thus they are analogous arts, and therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Chun and Shimomura to include rescaling images in

accordance with said axes. Chun suggests that by rescaling or reducing the images is to transmit and store the images information at high resolution and thus enhancing the compaction and storage of images.

5. As to claim 6, Shimomura and Chun disclose wherein said step of rescaling said drawings further comprises the step of rescaling offset distances between reference points of said drawings and said axes (Shimomura, col. 4, line 43 – col. 6, line 23).

6. As to claim 7, Shimomura and Chun disclose wherein said plurality of regions includes a left margin region, a body region, and a right margin region (Shimomura, col. 4, line 43 – col. 6, line 23).

7. As to claim 8, Shimomura and Chun disclose wherein said reference axes are horizontally-located in the center of said regions (Shimomura, col. 4, line 43 – col. 6, line 23).

8. As to claims 16 and 19, Shimomura discloses a method for editing an electronic document containing drawings, comprising the steps of:

dividing said electronic document into a plurality of adjacent regions (Abstract, col. 1, line 51 – col. 2, line 45: the document image is divided into a plurality of image regions in accordance with a dividing line);

assigning a reference axis for each of said regions (Abstract, col. 1, line 51 – col. 2, line 45);

identifying one or more drawings in said document, and assigning each of said drawings to one of said regions (col. 7, lines 3-51);

for each of said drawings, determining a distance to one of said reference axes (col. 8, lines 21-30); and

responsive to a change in a line size a text portion of said document, rescaling each of said drawings in accordance with a proportion of said change in said line size of the text portion, and said distance to said one of said reference axes (col. 2, lines 5-31 and col. 5, line 45 – col. 6, line 23).

However, Shimomura does not explicitly disclose rescaling said drawings in accordance with said axes. In the same field of endeavor, Chun discloses determining a position at which an amount of image information is reduced, whereby the position is an intersecting position of X-axis and Y-axis (Abstract and col. 24, lines 41-45). Since Chun disclose a method for dividing an image into a plurality of unit regions and reducing each of the unit regions, which is similar to dividing document image into image regions of Shimomura, thus they are analogous arts, and therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Chun and Shimomura to include rescaling images in accordance with said axes. Chun suggests that by rescaling or reducing the images is to transmit and store the images information at high resolution and thus enhancing the compaction and storage of images.

9. Claims 13, 15 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okawa et al. (Okawa), Patent No. 6,397,233 and further in view of Cohn, US Patent No. 5,712,995.

10. As to claims 13, and 15, Okawa discloses a method for editing an electronic document containing text and drawings, comprising the steps of:

receiving a request to modify a line height of said text (Abstract, and col. 6, lines 28-63 and col. 8, lines 22-41 and Figs. 5A and 5B);

rescaling said text in proportion to said modified line height (Abstract, and col. 6, lines 28-63 and col. 8, lines 22-41 and Figs. 5A and 5B); and

rescaling said drawing responsive to said request to modify said line height (Abstract, and col. 6, lines 28-63 and col. 8, lines 22-41 and Figs. 5A and 5B).

However, Okawa does not explicitly disclose determining whether the rescaled drawings overlap one another and if said rescaled drawings are determined to overlap one another, repositioning one or more of said drawings to avoid said overlap. Cohn discloses the system automatically resizes or reposition neighboring windows (images) to avoiding overlapping of windows (images) (Cohn, col. 2, lines 37-54). Also, it should be understood that the "determining whether the rescaled drawings overlap one another" is inherent from step of resizing or repositioning images above. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Cohn and Okawa to include determining whether the

rescaled drawings overlap one another and if said rescaled drawings are determined to overlap one another, repositioning one or more of said drawings to avoid said overlap to enhance display windows (images) and provide better view for users.

11. As to claim 28, Okawa and Cohn disclose wherein the request to modify the line height is a request to increase the line height (Okawa, Abstract, and col. 6, lines 28-63 and col. 8, lines 22-48 and Figs. 5A-5B and 6A-6B).

12. Claims 2-3, 9-11, 24, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimomura and Chun as applied to claims 1, 6-8, 12, 16, 19 and 23 above, and further in view of Fukuda et al. (Fukuda), Patent No. 5,867,593.

13. As to claims 2, 24 and 26, Shimomura and Chun disclose reduction means for reducing or scaling down each of the plurality of image regions divided by dividing means (Shimomura, col. 2, lines 12-31) as discussed in claims 1 and 12 above. However, Shimomura and Chun do not explicitly disclose the steps of:

determining if said rescaled drawings overlap with one another;

if said rescaled drawings are determined to overlap, repositioning one or more of said drawings such that said overlap no longer exists.

Fukuda discloses overlapping region detection 133 detects an overlapping region on the basis of the positional relationship of the coordinates, and if there is an overlapping region detected, then re-dividing processing 134 re-divides the regions into



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regions having no overlapping region (col. 20, line 36 – col. 21, line 36). Since Fukuda disclose image region dividing apparatus which is similar to dividing document image into a plurality of image regions of Shimomura and Chun, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Fukuda and Shimomura and Chun to include determining if said rescaled drawings overlap with one another and if said rescaled drawings are determined to overlap, repositioning one or more of said drawings such that said overlap no longer exists. By repositioning or re-dividing the regions so overlapping problem would not exit, and that would enhance the image region dividing system.

14. As to claim 3, Shimomura, Chun and Fukuda disclose the steps of:

determining if a size of said repositioned drawings exceeds a predetermined limit (Fukuda, col. 3, line 65 – col. 4, line13); and if said size is determined to exceed said limit, rescaling the repositioned drawings such that said size no longer exceeds said limit (Fukuda, col. 3, line 65 – col. 4, line13). Since Fukuda disclose image region dividing apparatus which is similar to dividing document image into a plurality of image regions of Shimomura and Chun, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Fukuda and Shimomura and Chun to include determining if said rescaled drawings overlap with one another and if said rescaled drawings are determined to overlap, repositioning one or more of said drawings such that said overlap no longer exists. By repositioning or re-

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dividing the regions so overlapping problem would not exit, and that would enhance the image region dividing system.

15. As to claim 9, Shimomura, Chun and Fukuda disclose wherein said drawings each include an anchor point (Fukuda, Fig. 19 shows images 135 and 136 each includes a center point that includes x and y coordinates. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Shimomura, Chun and Fukuda to include an anchor point for each image. The motivation for using anchor point for each image is to allow user either to move image around or to modify image based on the anchor point).

16. As to claim 10, Shimomura, Chun and Fukuda disclose wherein said anchor point is a center of said drawing (Fukuda, Fig. 19 shows images 135 and 136 each includes a center point that includes x and y coordinates. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Shimomura, Chun and Fukuda to include an anchor point for each image. The motivation for using anchor point for each image is to allow user either to move image around or to modify image based on the anchor point).

17. As to claim 11, Shimomura, Chun and Fukuda disclose wherein said anchor point is a corner of said drawing (Fukuda, Fig. 19 also shows the images 135 and 136 each has an anchor point at the corner of said drawing. It would have been obvious to

one of ordinary skill in the art at the time the invention was made to combine the teachings of Shimomura, Chun and Fukuda to include an anchor point at the corner for each image. The motivation for using anchor point for each image is to allow user either to move image around or to modify image based on the anchor point).

18. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimomura and Chun as applied to claims 1, 6-8, 12, 16, 19 and 23 above, Fukuda et al. (Fukuda), Patent No. 5,867,593 as applied to claims 2-3, 9-11, 24 and 26 above, and further in view of Mott et al. (Mott), Patent No. 6,326,970.

19. As to claims 4 and 5, Shimomura, Chun and Fukuda disclose the limitations as discussed in claims 2 and 3 above. However, Shimomura, Chun and Fukuda do not explicitly disclose wherein said predetermined limit is a page width and/or a distance between a right margin and a left margin of said document. Mott discloses a web page is reduced to fit within a specified threshold such as the horizontal margins (left margin and right margin) of the display (Abstract and col. 2, line 59 – col. 3, line 37). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Mott and Shimomura, Chun and Fukuda to include predetermined limit is a page width and/or a distance between a right margin and a left margin of said document. Mott's system retains the original look and feel of the web page while allowing the web page to fit within a selected horizontal width without the use of horizontal scroll bars.

20. Claims 17-18 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimomura and Chun as applied to claims 1, 6-8, 12, 16-19 and 23 above, and further in view of Mott et al. (Mott), Patent No. 6,326,970.

21. As to claim 17 and 25, Shimomura and Chun, however, does not explicitly disclose the steps of: responsive to said change in said line size of the text said document, repositioning one or more of said drawings, such that a portion of said drawing is displayed on a first page of said document, and a portion of said drawing is displayed on a second page of said document. Mott discloses a web page has embed element that includes image data is reduced in size to fit within a specified threshold such as the horizontal margins of a screen, and any vertical portion of the web page overlapping the vertical margin is access through a vertical scroll bar or similar technique (one page and then next page) (Abstract, col. 2, line 59 – col. 3, line 37). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Mott and Shimomura and Chun to include changing a size of a document by repositioning or rescaling the document (including embedded image), and if the first page does not hold the whole rescaled document, then the second page will display the rest. Mott's system retains the original look and feel of the web page while allowing the web page to fit within a selected horizontal width without the use of horizontal scroll bars.

22. As to claim 18, Shimomura, Chun and Mott disclose the step of displaying one or more indicators on said first page indicating the existence of said portion of one or more of said drawings displayed on said second page (Mott, Abstract, col. 2, l59 – col. 3, line 37: Mott discloses a web page has embed element that includes image data is reduced in size to fit within a specified threshold such as the horizontal margins of a screen, and any vertical portion of the web page overlapping the vertical margin is access through a vertical scroll bar or similar technique (one page and then next page) (Abstract, col. 2, l59 – col. 3, line 37). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Mott and Shimomura and Chun to include changing a size of a document by repositioning or rescaling the document (including embedded image), and if the first page does not hold the whole rescaled document, then the second page will display the rest. Mott's system retains the original look and feel of the web page while allowing the web page to fit within a selected horizontal width without the use of horizontal scroll bars).

23. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okawa et al. (Okawa) and Cohn, and further in view of Fukuda et al. (Fukuda), Patent No. 5,867,593.

24. As to claim 14, Okawa and Cohn disclose the limitations as discussed in claim 13 and 15. However, Okawa and Cohn do not explicitly disclose the steps of: determining if said rescaled drawings overlap with one another; if said rescaled drawings are

determined to overlap, repositioning one or more of said drawings such that said overlap no longer exists.

Fukuda discloses overlapping region detection 133 detects an overlapping region on the basis of the positional relationship of the coordinates, and if there is an overlapping region detected, then re-dividing processing 134 re-divides the regions into regions having no overlapping region (col. 20, line 36 – col. 21, line 36). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Fukuda and Okawa to include determining if said rescaled drawings overlap with one another and if said rescaled drawings are determined to overlap, repositioning one or more of said drawings such that said overlap no longer exists. By repositioning or re-dividing the regions so overlapping problem would not exit, and that would enhance the image region dividing system.

25. Claims 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimomura and further in view of Colleran et al. (Colleran), Patent No. 6,075,532.

26. As to claims 20, 22 Shimomura discloses a method for editing an electronic document containing drawings, comprising the steps of:

dividing said document into a plurality of adjacent regions, each region having a reference axis (Abstract, col. 1, line 51 – col. 2, line 45);

However, Shimomura does not explicitly disclose determining a bounding box for a new drawing to be added to said document; identifying an anchor point for said new

drawing; and storing an offset value representing a distance between said new drawing and one of said reference axes. Colleran discloses a boundary box is specified before a character in a frame of an animated sequence (new drawing) is displayed in a rectangle 304 (document), and the rectangle 304 is divided into two regions 301 and 302, and storing bitmap portion of the image and determining the area within the boundary box (Fig. 4 and col. 8, lines 46 – col. 9, line 52). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Colleran and Shimomura to include determining a bounding box for a new drawing to be added to said document; identifying an anchor point for said new drawing; and storing an offset value representing a distance between said new drawing and one of said reference axes. Colleran's system improves the efficiency of redrawing of animated characters on a desktop in a windows-based operating system.

27. As to claim 21, Shimomura and Colleran disclose wherein said bounding box encompasses an existing drawing and a newly-added drawing (Colleran, col. 7, lines 17-41: Colleran discloses a boundary box is specified before a character in a frame of an animated sequence (new drawing) is displayed in a rectangle 304 (document), and the rectangle 304 is divided into two regions 301 and 302, and storing bitmap portion of the image and determining the area within the boundary box (Fig. 4 and col. 8, lines 46 – col. 9, line 52). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Colleran and Shimomura to include determining a bounding box for a new drawing to be added to said document;

identifying an anchor point for said new drawing; and storing an offset value representing a distance between said new drawing and one of said reference axes. Colleran's system improves the efficiency of redrawing of animated characters on a desktop in a windows-based operating system).

28. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shimomura and Chun and further in view of Colleran et al. (Colleran), Patent No. 6,075,532.

29. As to claim 27, however, Shimomura and Chun do not explicitly disclose determining whether a bounding box for a new drawing overlaps a bounding box of an existing drawing, and if said overlap exists, defining a new bounding box containing both said new drawing and said existing drawing. Colleran discloses a boundary box is specified before a character in a frame of an animated sequence (new drawing) is displayed in a rectangle 304 (document), and the rectangle 304 is divided into two regions 301 and 302, and storing bitmap portion of the image and determining the area within the boundary box (Fig. 4 and col. 8, lines 46 – col. 9, line 52). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Colleran and Shimomura and Chun to include determining whether a bounding box for a new drawing overlaps a bounding box of an existing drawing, and if said overlap exists, defining a new bounding box containing both said new drawing and



said existing drawing. Colleran's system improves the efficiency of redrawing of animated characters on a desktop in a windows-based operating system.

### ***Response to Arguments***

In the remarks, applicant(s) argued in substance that

#### **35 U.S.C §112**

30. Applicant's arguments, see page 7 of the remarks , filed 01/11/2006, with respect to 35 U.S.C §112, have been fully considered and are persuasive. Therefore, the rejection of 35 U.S.C §112 has been withdrawn.

#### **35 U.S.C §103**

A) Rectangular frame of each block in Shimomura is not a text portion of a document and Shimomura does not teach or suggest a request to modify a line size of a text portion of the document and rescaling the drawings in accordance with the axes and proportional to the modification in line size of a text portion as recited in claim 1 (see page 8 of the remarks).

As to point A, Shimomura discloses in col. 2, lines 5-10 that the document image is divided into a plurality of image regions, each containing a specific type of images such as text, drawing and picture. Shimomura also discloses in col. 8, lines 33-45:

reducing each of the plurality of divided image regions until the size the image region (image or text) reaches the size of a circumscribed rectangular frame.

Chun discloses determining a position at which an amount of image information is reduced, whereby the position is an intersecting position of X-axis and Y-axis (Abstract and col. 24, lines 41-45).

B) The combination of Shimomura and Chun lacks a teaching or suggestion of rescaling each of the drawings proportional to the change in the line size of the text portion (see page 9 of the remarks).

In response to applicant's argument B that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, since Chun disclose a method for dividing an image into a plurality of unit regions and reducing each of the unit regions, which is similar to dividing document image into image regions of Shimomura, thus they are analogous arts, and therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Chun and Shimomura to include rescaling images in accordance with said axes. Chun suggests that by rescaling or reducing the images is to transmit and store

the images information at high resolution and thus enhancing the compaction and storage of images.

C) There clearly is no incentive or motivation to modify Shimomura and Chun with Fukuda to obtain the invention of claims 2, 3, 9-11, 24 and 26, and any such modification would be tantamount to engaging in impermissible hindsight reconstruction (see page 10 of the remarks)

In reply to argument C, applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Chun discloses a method for dividing an image into a plurality of unit regions and reducing each of the unit regions, which is similar to dividing document image into image regions of Shimomura. Fukuda discloses a method for dividing a digital image into blocks, which is similar to dividing image into image regions of Chun and Shimomura, thus, Shimomura, Chun, and Fukuda are analogous arts. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Fukuda and Shimomura and Chun to include determining if said rescaled drawings overlap with one another and if said rescaled

drawings are determined to overlap, repositioning one or more of said drawings such that said overlap no longer exists. By repositioning or re-dividing the regions so overlapping problem would not exit, and that would enhance the image region dividing system

Also, in response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

D) There is no motivation to combine Shimomura and Chun with Mott (see page 11 of the remarks).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, since the first

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reference (Shimomura) discloses dividing or reducing an image into a plurality of small region images, and one of ordinary skill in the art would understand that by dividing an image into a plurality of regions so it would be easier to modify or interact with small images than big images. Chun disclose a method for dividing an image into a plurality of unit regions and reducing each of the unit regions, which is similar to dividing document image into image regions of Shimomura. Mott discloses web page (image) is reduced in size by embedding element that includes image data is reduced in size to fit within the horizontal margins of a screen, and any vertical portion of the web page overlapping the vertical margin is access through a vertical scroll bar showing one page and then next page. Since Shimomura, Chun and Mott disclose modify images, they are analogous arts, and thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Shimomura, Chun and Mott references together.

E) "Applicants asserted that one skilled in the art would not have modified Shimomura with Colleran" (see page 12 of the remarks)

As to point E, in response to applicant's argument that "one skilled in the art would not have modified Shimomura with Colleran", the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art.

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See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). In this case, since the first reference (Shimomura) discloses dividing or reducing an image into a plurality of small region images, and one of ordinary skill in the art would understand that by dividing an image into a plurality of regions so it would be easier to modify or interact with small images than big images. Colleran discloses redrawing (modifying) area of images to provide new and improved images, which is similar to the field of dividing/reducing (modifying) images of Shimomura. Since both Shimomura and Colleran disclose modify images, they are analogous arts, and thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Shimomura and Colleran references together.

31. Applicant's arguments filed 01/11/2006 have been fully considered but they are not persuasive. Please see the rejection and response to arguments above.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau Nguyen whose telephone number is (571) 272-4092. The examiner can normally be reached on 8:30 am – 5:30 pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. On July 15, 2005, the Central Facsimile (FAX) Number will change from 703-872-9306 to 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chau Nguyen  
Patent Examiner  
Art Unit 2176

*William L. Bashore*  
**WILLIAM BASHORE**  
**PRIMARY EXAMINER**  
*3/27/2006*